

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ARTURO CASTRO-GUERRA

Plaintiff

V.

FIRST BANK PUERTO RICO CORPORATION;
JORGE E. PEREZ-CASELLAS; PREFERRED
MORTGAGE CORPOTATION; CAPITAL TITLE
SERVICES, INC. TITLE SECURITY GROUP, INC.,
ET. AL.

Defendants

CIVIL NO. 14- 1280 (SEC)

FALSE CLAIMS ACT, 31 U.S.C.A. § 3729;
TRUTH IN LENDING, 15 U.S.C.A. §1601;
FEDERAL HOME LOAN MORTGAGE,
12 U.S.C.A. §1454.

Jury Demand

JOINT PROPOSED DISCOVERY PLAN

TO THE HONORABLE COURT:

COME NOW All parties to this case, through their undersigned attorneys who very respectfully submit this Joint Discovery Plain for the Court's approval:

I. THE SUBJECTS DISCOVERY, TIME TO COMPLETED, AND WHETHER DISCOVERY SHOULD BE CONDUCTED IN PHASES OR BE LIMITED TO OR FOCUSED ON PARTICULAR ISSUES:

The parties have not yet identified the full extent and scope of the necessary discovery at this time, but do not anticipate the need to have discovery conducted in phases or limited to particular issues. With respect to the timing of discovery, the parties propose the following:

A. Initial Rule 26 (f) Disclosures Deadlines:

1. The parties agree to exchange initial disclosures on or before June 22, 2015.
2. Defendant FirstBank: May 29, 2015.

B. Deadline to notify all parties Interrogatories and Production of Documents:

1. Plaintiff: Will notify interrogatories and Production of documents to all parties to this case by June 29, 2015.
2. Preferred: Will notify interrogatories and Production of documents to plaintiff by June 29, 2015.
3. Jorge Pérez Casellas: Will notify interrogatories and Production of documents to plaintiff by June 29, 2015.
4. Capital Title and Title Security: Will notify plaintiff an interrogatory and request for production of documents on or before June 29, 2015.
5. Defendant FirstBank: FirstBank will notify Interrogatories and Production of Documents request by June 26, 2015

C. Deadline for all parties to answer interrogatories and Production of documents:

1. Plaintiff: Thirty (30) days pursuant to the Fed. R. Civ. P.
2. Preferred: Thirty (30) days pursuant to the Fed. R. Civ. P.
3. Jorge Pérez Casellas: Thirty (30) days pursuant to the Fed. R. Civ. P.
4. Capital Title and Title Security: Thirty (30) days pursuant to the Fed. R. Civ. P.
5. Defendant FirstBank: Thirty (30) days pursuant to the Fed. R. Civ. P.

D. Deadline to complete the taking of depositions by all defendants:

1. Preferred: From September 1, 2015 until September 30, 2015. Preferred reserves the right to take depositions earlier during the discovery stage. Once the parties announce their witnesses in response to interrogatories, Preferred will inform the depositions that will be taken.
2. Jorge Pérez Casellas: September 30th, 2015. Once the parties announce their witnesses in response to interrogatories, Pérez Casellas will inform the depositions that will be taken.
3. Capital Title and Title Security: September 30th, 2015. Once the parties announce their witnesses in response to interrogatories, codefendants will inform the depositions that will be taken.
4. Defendant FirstBank: From September 1st until September 30, 2015.

E. Deadline to complete the taking of depositions by Plaintiffs:

1. Plaintiff: From September 1st until September 30, 2015. Plaintiff reserves the right to take depositions earlier during the discovery stage if defendants do not scheduled any depositions.

F. Deadline to notify Request for Admissions:

1. Plaintiff: Until the discovery stage is completed and all depositions have been delivered to Plaintiff.
2. Preferred: September 1st, 2015.
3. Jorge Pérez Casellas: September 1st, 2015.

4. Defendant FirstBank: September 1st, but never before receiving answers to the interrogatories.
5. Capital Title and Title Security: September 1st, 2015, after interrogatories are answered.

II. ISSUES ABOUT DISCLOSURE OR DISCOVERY OF ELECTRONICALLY STORED INFORMATION, INCLUDING THE FORM OR FORMS IN WHICH IT SHOULD BE PRODUCED:

1. Plaintiff hereby Demands that all information and/or documentation electronically stored be preserved and that all individuals with access to said information or documentation be instructed comply with this request. Plaintiff hereby request that any production of documental evidence and record be advance via E-mail, but also, be provided to Plaintiff in CERTIFIED hard copies.
2. Preferred hereby Demands that all information and/or documentation electronically stored be preserved and that all individuals with access to said information or documentation be instructed comply with this request. Preferred hereby request that any production of documental evidence and record be advance via E-mail, but also, be provided to Plaintiff in CERTIFIED hard copies.
3. Capital Title and Title Security hereby demand that all information and/or documentation electronically stored be preserved and that all individuals with access to said information or documentation be instructed to comply with this request. Co-defendants hereby request that any production of documental evidence and record be advance via E-mail, but also, be provided to Co-defendants in CERTIFIED hard copies.
4. Defendant FirstBank: FirstBank objects to the production of documental evidence by both email and hard copies. FirstBank will employ all efforts to advance copies via email followed by hard copy, but reserves the right to produce documents via email or in a CD depending on the volume of the documents to be produced. Furthermore, FirstBank objects to the production of certified copies of its documents. Most or several of the documents associated with this case and/or in FirstBank's possession were not prepared by the bank.

III. ISSUES ABOUT CLAIMS OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIALS, INCLUDING IF THE PARTIES AGREE ON A PROCEDURE TO ASSERT THESE CLAIMS AFTER PRODUCTION WHETHER TO ASK THE COURT TO INCLUDE THEIR AGREEMENT IN AN ORDER:

1. Plaintiff: None at this time.
2. Preferred: None at this time.
3. Jorge Pérez Casellas: None at this time.
4. Capital Title and Title Security: None at this time.
5. Defendant FirstBank: None at this time.

IV. CHANGES WHICH SHOULD BE MADE IN THE LIMITATIONS ON DISCOVERY IMPOSED UNDER THESE RULES OR BY LOCAL RULE, AND WHAT OTHER LIMITATIONS SHOULD BE IMPOSED:

1. Plaintiff: None at this time.
2. Preferred: None at this time.
3. Jorge Pérez Casellas: None at this time.
4. Capital Title and Title Security: None.
5. Defendant FirstBank: None at this time.

V. ANY OTHER ORDERS THAT THE COURT SHOULD ISSUE UNDER RULE 26(C) OR UNDER RULE 16 (B) AND (C) (4) EXPEDITED SCHEDULE:

1. Plaintiff: None at this time.
2. Preferred: None at this time.
3. Jorge Pérez Casellas: None at this time.
4. Capital Title and Title Security: None.
5. Defendant FirstBank: Scheduling Order shall provide for the filing of dispositive motions.

WHEREFORE, it is respectfully requested that this Honorable Court takes notice of the above and approves the parties Joint Discovery Plan.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of May 2015.

I HEREBY CERTIFY that on this very same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

COUNSEL FOR PLAINTIFF:

S/Lavy Aparicio-Lopez
Lavy Aparicio-López, Esq.
USDC-PR Bar No. 219503
Cond. Los Cedros 1687
Amarillo St. Suite 6203
San Juan, P.R. 00926
E-Mail: lavyaparicio@gmail.com
Tel.: 787. 640.6600

COUNSELS FOR DEFENDANTS:

Defendant Jorge E. Pérez-Casellas, Esq.

Pedro Quiñones Suárez, Esq.

USDC-PR No. 227207

Saldaña, Carvajal, & Vélez-Rivé, PSC

166 Constitución Ave.

San Juan, PR 00901

Tel.: (787)289-9250

E-mail: pquinones@scvrlaw.com

Defendant Preferred:

Luis Parrilla-Hernández, Esq.

USDC-PR No. 225805

& Jenyfer García-Soto, Esq.

USDC-PR No. 222209

Ferraiuoli, LLC

P.O. Box 19568

San Juan, PR

Email: jgarcia@ferraiuoli.com

lparrilla@ferraiuoli.com

Defendant Firstbank

Nicole Stowell Alonso, Esq.

P.O. Box 194089

San Juan, PR 00919

Email: nstowell@lvvlaw

Francis Rodríguez-Cardona, Esq.

P.O. Box 194089

San Juan, PR 00919

Email: frdriguez@lvvlaw.com

Defendants Capital Title Services, Inc., & Title Security Group

Julio Nigaglioni-Arrache, Esq.

Rivera-Munich & Hernández, P.S.C.

P.O. Box 364908

San Juan, PR 00364-4908

E-mail: jnigaglioni@rmmelaw.com